

## Message Text

CONFIDENTIAL

PAGE 01 MEXICO 07140 110001Z  
ACTION NODS-00

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FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 2039

C O N F I D E N T I A L MEXICO 07140

NODIS

E.O. 11652: XGDS-2  
TAGS: PFOR, MX  
SUBJECT: LEE/BOYCE ESPIONAGE CASE

REF: MEXICO 06668

1. I CALLED ON FONSEC ROEL TO RAISE THIS CASE AGAIN.  
FONSEC SAID HE HAD NOT YET BEEN ABLE TO DISCUSS IT FURTHER  
WITH THE PRESIDENT, BUT WAS NOT OPTIMISTIC ABOUT THE OUT-  
COME.

2. FONSEC ALLOWED ME TO READ THE MEMORANDUM PREPARED BY  
THE SECRETARY OF THE INTERIOR ON THE BASIS OF THE MEMO-  
RANDUM CONTAINED STATE 093501, WHICH I HAD GIVEN  
FONSEC. MEMORANDUM FROM SECINT POINTS OUT THAT, AS AN  
ACT OF COOPERATION WITH US AUTHORITIES, LEE WAS DELIVERED  
TO THE BORDER BY MEXICAN AUTHORITIES. THE MEMORANDUM THEN  
ENUMERATES THE GOM/S FAILURE TO IMPLEMENT MEXICAN LAW IN-  
VOLVED IN ITS DEPORTATION OF LEE:

A. LEE HAD MARIHUANA IN HIS POSSESSION AT TIME OF  
HIS ARREST. HE HAD ALSO ENTERED MEXICO ILLEGALLY. HOW-  
EVER, NO FORMAL INVESTIGATION WAS CONDUCTED WITH REGARD  
TO EITHER OF THESE OFFENSES NOR WERE ANY CHARGES BROUGHT  
AGAINST HIM AS REQUIRED BY MEXICAN LAW.

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B. ALTHOUGH LEE WAS DELIVERED TO US AUTHORITIES AT  
THE BORDER, THIS WAS NOT ACCOMPLISHED THROUGH AN EXTRA-  
DITION PROCESS.

MEMORANDUM GOES ON TO ARGUE THAT PERMITTING OFFICIAL WIT-  
NESSES TO APPEAR IN US COURT WOULD INEVITABLY DRAW PUBLIC

ATTENTION TO THESE HIGHLY EMBARRASSING CIRCUMSTANCES AND WOULD HAVE THE EFFECT OF PRECLUDING FURTHER GOM COOPERATION OF THIS CHARACTER WITH USG.

3. FONSEC SAID MEMORANDUM FROM ATTORNEY GENERAL WAS NOT MUCH DIFFERENT. IN LIGHT OF THESE FACTS, HE WAS AT A LOSS TO SEE HOW GOM COULD AGREE TO ALLOW WITNESSES TO TESTIFY.

4. I ARGUED THAT THE VERY FACT THAT LEE IS ON TRIAL HAS DRAWN PUBLIC ATTENTION TO THE MEXICAN RAMIFICATIONS OF THE CASE. IT DID NOT SEEM TO ME THAT THE APPEARANCE OF MEXICAN WITNESSES WOULD CREATE ANY ADDITIONAL PUBLICITY ABOUT WHICH GOM NEED FEEL CONCERNED.

5. AS FOR THE MODALITIES OF LEE'S ENTRY INTO US JURISDICTION, I REMINDED THE FONSEC THAT LEE HAD NOT BEEN DELIVERED TO THE BORDER AT OUR REQUEST. I ALSO POINTED OUT THAT THIS MATTER HAD BEEN DISPOSED OF WITHOUT DAMAGE TO GOM IN PRE-TRIAL HEARINGS AND ARGUMENTS. IT DID NOT SEEM TO ME THAT THIS ISSUE WAS APT TO BECOME A MATTER OF SIGNIFICANT ATTENTION DURING THE TRIAL.

6. I ALSO TOLD THE SECRETARY I UNDERSTOOD THE GREATEST RISK TO GOM IMAGE AT THIS POINT WAS APT TO ARISE FROM DEFENSE ALLEGATIONS OF MISTREATMENT OF LEE BY GOM AUTHORITIES WHILE UNDER ARREST IN MEXICO. I SAID I THOUGHT THE MOST EFFECTIVE WAY OF DISPOSING OF THOSE ALLEGATIONS WOULD BE FOR THE MEXICAN POLICE WITNESSES, WHO HAD ARRESTED LEE, TO TESTIFY IN OPEN COURT THAT THE ALLEGATIONS ARE UNFOUNDED.

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7. FONSEC ASKED WHETHER THERE WAS NOT SOME OTHER WAY TO COUNTER SUCH ALLEGATIONS AND ASSIST USG IN ITS PROSECUTION OF LEE WHICH GOM VERY MUCH WANTED TO DO. I SAID I COULD THINK OF NONE.

8. FONSEC AGAIN PROPOSED THE TAKING OF DEPOSITIONS IN MEXICO. I EXPLAINED THAT UNDER US LAW SUCH DEPOSITIONS COULD NOT BE USED UNLESS DEFENDANT WAS PRESENT. FONSEC SUGGESTED WE BRING LEE TO MEXICO FOR THAT PURPOSE. I SAID I HAD EXPLORED THIS POSSIBILITY VERY CAREFULLY WITH DEPT OF JUSTICE REPRESENTATIVES IN WASHINGTON AND HAD DISCOVERED THAT FOR A VARIETY OF REASONS IT WAS COMPLETELY UNFEASIBLE.

9. FONSEC EXPRESSED HIS REGRET THAT THERE WAS NOT SOME OTHER WAY TO ASSIST USG WITHOUT PERMITTING WITNESSES TO TESTIFY. HE SAID HE WOULD CONTINUE TO PURSUE THE MATTER AND WOULD GET BACK TO ME. I REMINDED HIM OF THE URGENCY

OF A DECISION INASMUCH AS LEE TRIAL IS IN PROGRESS.  
THOMPSON

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## Message Attributes

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